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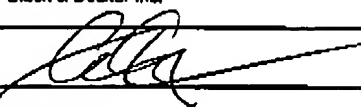
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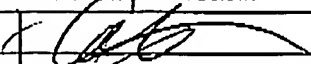
T-549 P.001/004 F-913

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TRANSMITTAL FORM	Application Number	10/642,860
	Filing Date	August 18, 2003
	First Named Inventor	Paul S. White et al.
	Art Unit	1745
	Examiner Name	J Maples
<small>(to be used for all correspondence after initial filing)</small>		
Total Number of Pages in This Submission	4	Attorney Docket Number TN-1631C

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Black & Decker Inc.		
Signature			
Printed Name	Adan Ayala, Esq.		
Date	June 22, 2006	Reg. No.	38,373

CERTIFICATE OF TRANSMISSION/MAILING			
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Typed or printed name	Adan Ayala, Esq.	Date	June 22, 2006

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Serial No. 10/642,860
UTILITY PATENT

JUN 22 2006

Resp to Off Act mailed on Apr. 3, 2006
B&D No. TN-1631C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Paul S. WHITE et al.**

Serial No.: 10/642,860

Examiner: **J. Maples**

Filed: **August 18, 2003**


Group Art Unit: 1745

For: **BATTERY PACK**

Assistant Commissioner for Patents
Washington, DC 20231

RESPONSE TO OFFICE ACTION

I, Adan Ayala, PTO Reg. No. 38,373, hereby certify that this
correspondence is being facsimile transmitted to the Patent and
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Adan Ayala

Dear Sir:

This is in response to the Office Action mailed on April 3, 2006.

The Examiner rejected Claims 48-65 under 35 USC § 112, first paragraph, as failing to
comply with the written description requirement. This rejection is respectfully traversed.

First, the Examiner noted that "there is specific description of a cavity in the present
specification and the [cavity] is also not depicted in the drawings." This is incorrect.

The fundamental factual inquiry in determining whether the written description
requirement has been met is "whether the specification conveys with reasonable clarity to those
skilled in the art that, as of the filing date sought, applicant was in possession of the invention as
now claimed." MPEP § 2163.02 (*citing Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563-64, 19